IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Tacked Coiled Food Products and Methods of Fabricating," the Specification of which was filed on February 11, 2000 as United States Application Number __09/502,140 ____.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

| Prior Foreign App | incation(s) | | Priority <u>Claimed</u> |
|--------------------------------|--------------------------|---------------------------------|----------------------------|
| NONE Number | Country | Day/Month/Year Filed | Yes No |
| I hereby capplication(s) liste | | U.S.C. § 119(e) of any United S | States provisiona |
| 60/ | 158,456 plication Number | October 8, Filing Date | 1999 |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

| NONE | | | |
|--------------------|-------------|--------|--|
| Application Number | Filing Date | Status | |
| • | | | |
| NONE | | | |
| Application Number | Filing Date | Status | |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

| Robert E Wagner | - 20,528 | Monique A. Morneault | - 37,893 |
|----------------------|----------|-------------------------|----------|
| Steven J. Goldstein | - 28,079 | Jeffrey R. Gargano | - 38,148 |
| Daniel N. Christus | - 29,626 | Paul J. Nykaza | - 38,984 |
| Alan L. Barry | - 30,819 | Edward L. Bishop | - 39,110 |
| Lında A. Kuczma | - 30,861 | James P. Muraff | - 39,785 |
| Roger H. Stein | - 31,882 | Nelson Nolte | - 42,938 |
| Thomas K. Stine | - 32,310 | Marc D Machtinger | - 43,434 |
| James J. Jagoda | - 33,250 | Matthew J. Gryzlo | - 43,648 |
| Micheal D. Lake | - 33,727 | Peter M. Klobuchar | - 43,722 |
| Joseph A. Fuchs | - 34,604 | Brent A. Hawkins | - 44,146 |
| Robert W. Diehl | - 35,118 | William J. Lenz | - 44,208 |
| Bradley F. Rademaker | - 35,331 | Michael K. Nutter | - 44,979 |
| Richard C. Himelhoch | - 35,544 | Joseph M. Kinsella, Jr. | -P45,743 |
| | | | |

Send correspondence and direct telephone calls to:

Steven J. Goldstein, Esq. Frost & Jacobs LLP 2500 PNC Center 201 East Fifth Street Cincinnati, Ohio 45202-4182

Phone: 513.651.6800 Fax: 513.651.6981 I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

| Residential Street Address: | 1635 Glencres + |
|--|----------------------------|
| City and State/Province: | Inverness ICC |
| Country and Zip/Postal Code: | USA 60010 |
| Citizenship: USA Mailing Address: Same | |
| Mailing Address: Same | / |
| Inventor's Signature: Wille | 6 Beling |
| Date: march 1, 2000 | |
| | |
| Full Name of Second Joint Invent | or: Ronald T. Cappadocia |
| | |
| • | |
| | · |
| Citizenship: | |
| Mailing Address: | |
| Inventor's Signature: | Separate Declaration |
| Date: | |
| Evil Name of Third Init Inventor | . William E. Lundaman In |
| | : William E. Lundgren, Jr. |
| City and State/Dravings: | |
| City and State/Province. | |
| | · |
| Chizenship. | |
| ivialling Address: | |
| Inventor's Signature: | Compando Declaration |

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

| NONE NONE | | | |
|--------------------|-------------|--------|--|
| Application Number | Filing Date | Status | |
| NONE | | | |
| Application Number | Filing Date | Status | |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

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|----------|--|--|
| - 28,079 | Jeffrey R. Gargano | - 38,148 |
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| - 32,310 | Marc D. Machtinger | - 43,434 |
| - 33,250 | Matthew J Gryzlo | - 43,648 |
| - 33,727 | Peter M. Klobuchar | - 43,722 |
| - 34,604 | Brent A. Hawkins | - 44,146 |
| - 35,118 | William J. Lenz | - 44,208 |
| - 35,331 | Michael K. Nutter | - 44,979 |
| - 35,544 | Joseph M. Kınsella, Jr | -P45,743 |
| | - 28,079 - 29,626 - 30,819 - 30,861 - 31,882 - 32,310 - 33,250 - 33,727 - 34,604 - 35,118 - 35,331 | -28,079 Jeffrey R. Gargano -29,626 Paul J Nykaza -30,819 Edward L. Bishop -30,861 James P. Muraff -31,882 Nelson Nolte -32,310 Marc D. Machtinger -33,250 Matthew J Gryzlo -33,727 Peter M. Klobuchar -34,604 Brent A. Hawkins -35,118 William J. Lenz -35,331 Michael K. Nutter |

Send correspondence and direct telephone calls to:

Steven J. Goldstein, Esq. Frost & Jacobs LLP 2500 PNC Center 201 East Fifth Street Cincinnati, Ohio 45202-4182

Phone: 513.651.6800 Fax: 513.651.6981 the short choose group plants group the cupon plants provide group group group, the state of the

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

| | Full Name of Sole or First Inventor: David E. Babiarz |
|-----|---|
| | Residential Street Address: |
| | City and State/Province: |
| | Country and Zip/Postal Code: |
| | Citizenship: |
| | Mailing Address: |
| | Inventor's Signature: Separate Declaration |
| | Date: |
| | |
| | Full Name of Second Joint Inventor: Ronald T. Cappadocia |
| # T | Residential Street Address: 2008 Frut Creek Lane |
| 1 | City and State/Province: hybridge The 60048 |
| | Country and Zip/Postal Code: 11.5 A. 60048 |
| ; | Citizenship: US |
| | Mailing Address: Steme |
| | Inventor's Signature: Ronald T. Cappedocia |
| | Date: 3/1/2005 |
| İ | |
| | Full Name of Third Joint Inventor: William E. Lundgren, Jr. |
| | Residential Street Address: |
| | City and State/Province: |
| | Country and Zip/Postal Code: |
| | Citizenship: |
| | Mailing Address: |
| | Inventor's Signature: Separate Declaration |
| | Date: |
| | |

/92185.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Tacked Coiled Food Products and Methods of Fabricating," the Specification of which was filed on February 11, 2000 as United States Application Number 09/502,140 I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed: Prior Foreign Application(s) Priority Claimed NONE Day/Month/Year Yes No Country Number Filed

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/158,456 October 8, 1999
Application Number Filing Date

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| Residential Street Address: City and State/Province: Country and Zip/Postal Code: | David E. Babiarz |
|--|--|
| Inventor's Signature: | Separate Declaration |
| Date: | |
| Full Name of Second Joint Inventor: Residential Street Address: City and State/Province: | |
| - | |
| Mailing Address: | |
| | Separate Declaration |
| _ | |
| Full Name of Third Joint Inventor: Residential Street Address: City and State/Province: Country and Zip/Postal Code: Citizenship: U.S. | William E. Lundgren, Jr. 2165 University Dr. Naperville, IL USA 60565 sity Dr., Naperville, IL 60565 |

/92186.1

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

| NONE | | | |
|--------------------|-------------|---------|--|
| Application Number | Filing Date | Status | |
| NONE | | <u></u> | |
| Application Number | Filing Date | Status | |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

| Robert E Wagner | - 20,528 | Monique A. Morneault | - 37,893 |
|----------------------|----------|------------------------|----------|
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| Daniel N. Christus | - 29,626 | Paul J. Nykaza | - 38,984 |
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| Richard C Himelhoch | - 35,544 | Joseph M. Kinsella, Jr | -P45,743 |

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Steven J. Goldstein, Esq. Frost & Jacobs LLP 2500 PNC Center 201 East Fifth Street Cincinnati, Ohio 45202-4182 Phone: 513.651.6800

Fax: 513.651.6981

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:

David E. Babiarz; Ronald T. Cappadocia and William E. Lundgren

Serial No.:

09/502,140

File Date:

February 11, 2000

Assignee:

Van Melle USA Inc.

For:

TACKED COILED FOOD PRODUCTS AND METHODS OF FABRICATING

POWER OF ATTORNEY

COMMISSIONER OF PATENTS AND TRADEMARKS WASHINGTON, D.C. 20231

Dear Sir:

Please cancel all previous powers of attorney in the above-identified patent and recognize the following attorneys to transact all business in the Patent and Trademark Office in connection with the above-identified patent: Steven J. Goldstein, Registration No. 28,079; Edwin R. Acheson, Jr., Registration No. 31,808; Glenn D. Bellamy, Registration No. 32,887; Ann G. Robinson, Registration No. 39,820; Ria Farrell Schalnat, Registration No. P-47,058; David E. Schmit, Registration No. 28,472; Karlyn A. Schnapp, Registration No. 45,558; and Kevin S. Sprecher, Registration No. 42,165; all of Frost & Jacobs LLP, 2500 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45204; Telaphone No. (513) 651-6800.

VAN MELLE USA INC.

By:_

Name:

Title:

Date Sqt. 15, 2000

811629.01

1 1 1

ASSIGNMENT

| Application No. 09/502,140 | | | Filed: F | <u>ebruary 11, 2</u> 000 |
|---|--|--|--|--|
| IN CONSIDERATION of or which is hereby acknowledged, the enundersigned in "Tacked Coiled Food Letters Patent of the United States the reissue or extension of any Letters Patent of the undersigned to Van Melle USA In representatives and assigns of Van Melle Commissioner of Patents is hereby aut to said Assignee. | ntire right, title and derefor, executed tent that may be seen, a <u>Kentuck</u> lelle USA Inc., (| Methods of Fabrication by the undersigned conceptanted upon said applied cy corporate thereinafter collectively of | tion or imgoing and in the currently he cation are he cation, and the called said | provements of the he application for erewith and in any nereby assigned by he successors, legal Assignee), and the |
| FOR SAID CONSIDERATION Assignee, to execute any necessary are the filing or prosecution of any division filing or prosecution of any application on said invention or improvements the consideration it is further agreed by the application or any division thereof, or reissue thereof, becoming involved in with said Assignee in the matters of producing evidence in support thereof to obtain said Letters Patent and verentirely as the same would have been not been made. And for the said of improvements, including all priority benefits thereof, including those under to file applications for patent in said every country of the world are hereby agreed by the undersigned, upon the be required of the undersigned to be patent therefor, including the prosecutitle in said foreign applications and patent are hereby authorized and required of the places provide | and proper oaths of onal, continuation on for the reissue of hat said Assigned the undersigned, to the Letters Patent interference, to of preparing and for and further to personate the Internations the rights, and the er the International Assigned and grave request of said executed in connection thereof, and patents in said Assigned by the undersided therefor. | r affidavits relating to say or continuation-in-part or extension of any Letter may deem necessary or apon the request of said issued thereon, or any cooperate to the best of executing the preliminate of the preliminate of the executing the preliminate of the undersigned if the entire right, title and right to claim priority all Convention, and all of the execute and the execute any and all at the execute any and all exignee. The attorneys of ersigned to insert in this exigned to insert in this exigned to insert in this exigned. | aid application application or expedient Assignee, in reissue or the ability ary statements, any and the said Assigninterest in rights and ther conventor improved to said Assigninterest in applications documents frecord in the record in the | tion or required for a thereof or for the hat may be granted at, and for the said application for the of the undersigned ent and giving and all affirmative acts signee as fully and ament and sale had a said invention or the privileges and ations, and the right ements in each and signee. It is further ocuments that shall a for foreign letters necessary to invest said application for |
| David E. Babitarz | March 1,20 Date | Separate Assignment Ronald T. Cappadocia | L | Date |
| Separate Assignment William E. Lundgren, Jr. | Date | | | |

State of IL)
) ss.

County of Coc K)

On 03/1-/2000 2000, David E. Babiarz appeared before me

On O3/1-2000 2000, David E. Babiarz appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed

Notary Public

ASSIGNMENT

Application No. 09/502,140

tions then done and every note over work ... it is the control over the co

direct many that that that

Filed: February 11, 2000

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "Tacked Coiled Food Products and Methods of Fabricating" and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to Van Melle USA Inc., a Kentucky corporation, and the successors, legal representatives and assigns of Van Melle USA Inc., (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

| Separate Assignment | | Tonavol (app | pedrocio 3/1 |
|--|----------------|---|--|
| David E. Babiarz | Date | Ronald T. Cappadocia | Date |
| Separate Assignment | | | |
| William E. Lundgren, Jr. | Date | ر حرار الرياد المواقع المحاج الم | The state of the s |
| State of TL | | | A = A = A = A = A |
| State of I^{L}) ss. | | P WANES | SCHREIBER \$ |
| County of cock) | | MY COWN, | SCHREIBER STATE OF ILLINOIS TYPIRES. 09, 21 02 |
| | | | 2. 14 1 4 4 4 1 1 2 2 3 1 1 7 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| | , 2000, Ron | ald T. Cappadocia appeared bef | ore me, a notary public in |
| and for the state and county afore | esaid, and ack | nowledged that he freely and vo | oluntarily subscribed and |
| On $03/19/2000$ and for the state and county afore | , 2000, Ron | ald T. Cappadocia appeared bef | ore me, a notary public in |

Notary Public

executed the foregoing Assignment for the purposes and uses therein expressed.

ASSIGNMENT

| Application No. 09/502 | 2,140 | Filed: | February | 11, | 2000 |
|------------------------|-------|--------|----------|-----|------|
|------------------------|-------|--------|----------|-----|------|

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "Tacked Coiled Food Products and Methods of Fabricating" and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to Van Melle USA Inc., a Kentucky corporation, and the successors, legal representatives and assigns of Van Melle USA Inc., (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

| Separate Assignment David E. Babiarz | Date | Separate Assignment Ronald T. Cappadocia | Date |
|--------------------------------------|---------|--|----------|
| William E. Lundgren, Jr. | Z-29- C | | |
| State of Illinois) County of Cook) | | | |

On February 39, 2000, William E. Lundgren, Jr. appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed.

"OFFICIAL SEAL"

LAURA E. RIVERA

Notany Public, State of Illing

Notary Public, State of Illinois

My Commission Expires 10/20/03

Notary Public